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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,766	02/19/2004	Junji Kondou	2004_0157A	2067
52349	7590	05/13/2008	EXAMINER	
WENDEROTH, LIND & PONACK L.L.P.			TIMORY, KABIR A	
2033 K. STREET, NW				
SUITE 800			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20006			2611	
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			05/13/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/780,766	KONDOU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	KABIR A. TIMORY	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 February 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3, 5-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### Response to Arguments

1. Applicant's arguments with respect to claims 1 and 5 filed on 2/29/2008 have been considered but are moot in view of new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 10 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 10 and 11 recited a limitation "wherein the cyclical noises are naturally occurring noises which are not intentionally transmitted on the transmission line". There is no support for this limitation in the specification of the instant application. Therefore, the claim is failing to comply with the enablement requirement.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-11 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Tsuboi et al. (US 5,765,128).

**Regarding claim 1:**

As shown in figures 1- 29, Tsuboi et al. discloses a frame generating method comprising:

- inserting a synchronous word into data at a position in order to generate a frame (col 17, lines 65-67, col 18, lines 1-16), the position being determined based on a known time "t" (predetermined period is interpreted to be a known time "t") of a noise cycle (a noise component is added to an input signal in each period is interpreted to be noise cycle. See col 7, lines 62-64) of a transmission line (interface is interpreted to be transmission line) (21 in figure 4), the known time "t" of the noise cycle being a measurement of time between an occurrence of cyclical noises (a noise component is added to an input signal in each period is interpreted to be cyclical noises. See col 7, lines 62-64) on the transmission line (col 17, lines 65-67, col 18, lines 1-16); and

- transmitting the generated frame from a transmitter to a receiver via the transmission line (figure 4);
- wherein the cyclical noises occur at every time "t" in the data (a noise component is added to an input signal in each period is interpreted to be the cyclical noises occur at every time "t" in the data. See col 7, lines 62-64) (col 17, lines 65-67, col 18, lines 1-16).

Tsuboi et al. discloses all of the subject matter as described above except for specifically teaching and wherein a length of the synchronous word is approximately equal to a multiple of a length of the noise cycle by a natural number.

However, figure 7 of Tsuboi et al. clearly shows a period of synchronization bits. Moreover, figure 7 shows that the input signal has approximately the same period (length) as synchronization bits. Also, Column 5, lines 24-29, Tsuboi et al. disclose that “The noise component adding means 5 adds a noise component to an input voice signal which is to be supplied to the vector-coding means 1. Since a noise component has been added to an input voice signal, even if the original input voice signal is completely periodic and has the same period as a string of synchronizing bits”. Therefore, based on figure 7 and the statement above it is obvious to one ordinary skill in the art that “a length of the synchronous word is approximately equal to a multiple of a length of the noise cycle by a natural number”.

**Regarding claim 2:**

Tsuboi et al. further discloses wherein said position is arranged according to a predetermined arrangement algorithm (code book is interpreted to be a predetermined arrangement algorithm) (col 17, lines 65-67, col 18, lines 1-16).

**Regarding claim 3:**

Tsuboi et al. further discloses wherein a parameter of the predetermined arrangement algorithm (code book is interpreted to be a predetermined arrangement algorithm) comprises at least one of a length of the synchronous word (figure 7, col 5, lines 24-29, col 17, lines 65-67, col 18, lines 1-16).

**Regarding claim 5:**

As shown in figures 1- 29, Tsuboi et al. discloses a frame generating method comprising:

- inserting a plurality of synchronous words into data at a position in order to generate a frame (col 17, lines 65-67, col 18, lines 1-16), the position being determined based on a known time "t" (predetermined period is interpreted to be a known time "t") of a noise cycle of a transmission line (interface is interpreted to be transmission line) (21 in figure 4), the known time "t" of the noise cycle being a measurement of time between an occurrence of cyclical noises on the transmission line (col 17, lines 65-67, col 18, lines 1-16); and
- transmitting the generated frame from a transmitter to a receiver via the transmission line (figure 4);
- wherein the cyclical noises occur at every time "t" in the data (col 17, lines 65-67, col 18, lines 1-16).

Tsuboi et al. discloses all of the subject matter as described above except for specifically teaching and wherein a length of each synchronous word is approximately equal to a multiple of a length of the noise cycle by a natural number.

However, figure 7 of Tsuboi et al. clearly shows a period of synchronization bits. Moreover, figure 7 shows that the input signal has approximately the same period (length) as synchronization bits. Also, Column 5, lines 24-29, Tsuboi et al. disclose that “The noise component adding means 5 adds a noise component to an input voice signal which is to be supplied to the vector-coding means 1. Since a noise component has been added to an input voice signal, even if the original input voice signal is completely periodic and has the same period as a string of synchronizing bits”. Therefore, based on figure 7 and the statement above it is obvious to one ordinary skill in the art that “a length of the synchronous word is approximately equal to a multiple of a length of the noise cycle by a natural number”.

**Regarding claim 6:**

Tsuboi et al. further discloses wherein said inserting a plurality of synchronous words into data arranges the plurality of synchronous words over a section of frame as long as the noise cycle (figure 7, col 5, lines 24-29, col 17, lines 65-67, col 18, lines 1-16).

**Regarding claim 7:**

Tsuboi et al. further discloses all wherein a length of an arrangement interval of at least two of the plurality of synchronous words is different from a length of the noise cycle (figure 7, col 5, lines 24-29, col 17, lines 65-67, col 18, lines 1-16).

**Regarding claim 8:**

Tsuboi et al. further discloses all of the subject matter as described above except for specifically teaching wherein at least two of the plurality of synchronous words are arranged using the same pattern (figure 7, col 5, lines 24-29, col 17, lines 65-67, col 18, lines 1-16).

**Regarding claim 9:**

Tsuboi et al. further discloses wherein a length of the noise cycle is the length of a time interval whose noise level in the transmission line is beyond a predetermined threshold (figure 7, col 5, lines 24-29, col 17, lines 65-67, col 18, lines 1-16).

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kabir A. Timory whose telephone number is 571-270-1674. The examiner can normally be reached on 6:30 AM - 3:00 PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on 571-272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kabir A Timory/  
Examiner, Art Unit 2611  
/Shuwang Liu/  
Supervisory Patent Examiner, Art Unit 2611